

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ISAAC MITCHELL,)	
)	Civil Action No. 09 - 972
)	
v.)	District Judge Terrence F. McVerry
)	
JEFFREY A. BEARD, PH.D.; LOUIS S.)	
FOLINO; CORRECTIONAL OFFICER)	
RAMBLER; COUNSELOR HARRIS (JOHN)	
DOE); DR. JIN (JOHN DOE); DR. JOHN)	
DOES 1 AND 2; JANE AND JOHN DOES))	
SPECIALIST AND EXPERTS 3, 4, 5; JANE)	
AND JOHN DOES; DR. CANTINO; DR.)	
FOSTER; NURSE WRESTLER; NURSE 6;)	
CORRECTIONAL OFFICERS JOHN DOES;)	
DEPUTY MILLER; CUMBERLAND;)	
WILLIAMS; BLACK; SHIRA; LT.)	
WORKMAN; and JANE AND JOHN DOES)	
7, 8, 9, AND 10,)	
)	
Defendants.)	

ORDER

The above captioned case was initiated on July 20, 2009, by the filing of a Motion to Proceed In Forma Pauperis accompanied by a Complaint. It was referred to Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rule 72.C.2 of the Local Rules.

The Magistrate Judge's Report and Recommendation (ECF no. 61), filed on July 1, 2010, recommended that the Partial Motion to Dismiss filed by the Pennsylvania Department of Corrections Defendants (ECF no. 40) be granted and that the Motion to Dismiss filed by the Medical Defendants (ECF no. 17) be granted. As a result, the only claims that will remain in this action are

against DOC Defendants Black and Shira. Plaintiff filed Objections on July 16, 2010 (ECF no. 63) which the Court finds is without merit. After a review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 27th day of July, 2010;

IT IS HEREBY ORDERED that the Partial Motion to Dismiss filed by the Commonwealth Defendants (ECF no. 40) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by the Medical Defendants (ECF no. 17) is **GRANTED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF no. 61) dated July 1, 2010, is adopted as the Opinion of the Court. As a result, the only claims remaining in this action are against DOC Defendants Black and Shira.

By the Court:

s/Terrence F. McVerry
United States District Judge

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